

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

SCOTTSDALE INSURANCE)	
COMPANY,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:21-cv-00725-SRB
)	
GLORIA LETICIA AGUIRRE RIVERA,)	
etc., et al.,)	
)	
Defendants.)	

JOINT PROPOSED SCHEDULING ORDER AND DISCOVERY PLAN

Pursuant to Rules 16(b) and 26(f) of the Federal Rules of Civil Procedure, the undersigned counsel for the parties to this cause propose the following deadlines for completion of discovery, following the undersigned having completed their Rule 26(f) discovery planning conference:

A. PLEADINGS.

1. Any motion to join additional parties shall be filed on or before **April 4, 2022.**

2. Any motion to amend the pleadings shall be filed on or before **April 4, 2022.**

B. MEDIATION AND ASSESSMENT PROGRAM (MAP).

In cases assigned to the Court's Mediation and Assessment Program (MAP), the MAP General Order requires that parties assigned to the outside mediator

category electronically file the Designation of Mediator within fourteen (14) calendar days after the Rule 26 meeting and mediate the case within seventy-five (75) calendar days after the Rule 26 meeting.

C. DISCOVERY.

1. All pretrial discovery authorized by the Federal Rules of Civil Procedure shall be conducted consistent with the Rules of Civil Procedure and the Local Rules of the Western District of Missouri. Discovery shall be completed on or before **August 8, 2022**. This means that all discovery shall be completed, not simply submitted, on the date specified by this paragraph. Accordingly, all discovery requests and depositions shall be submitted and/or scheduled prior to the date specified in this paragraph and shall allow sufficient time for completion within the time specified by the Federal Rules of Civil Procedure, the Local Court Rules, and/or orders of this Court. The Court reserves the right to exercise control over the taking of depositions.

2. Prior to the close of discovery, the parties shall jointly file a status report advising the Court of the status of discovery to include a description of all discovery completed, all discovery scheduled but not yet completed, all discovery at that time identified as necessary but not yet scheduled and all existing discovery disputes. These reports will be due on **July 25, 2022**.

D. EXPERTS.

1. Counsel for the parties met and conferred during the Rule 26(f)

planning and discovery conference and agree that no experts are contemplated by any party to this cause.

E. DISCOVERY MOTIONS.

Absent extraordinary circumstances, all discovery motions will be filed on or before **July 25, 2022**. See Local Rule 37.1 for procedures that must be followed before filing a discovery motion. The Court will not entertain any discovery motion absent full compliance with Local Rule 37.1. Any discovery motion filed without complying with Local Rule 37.1 will be denied. In the event that a teleconference is needed, my courtroom deputy may be reached at 417-865-3741. All teleconference requests should be directed to her. Each party to the dispute shall fax a description of the discovery dispute, not to exceed one page in length, to the Court at 417-865-2618, and to opposing counsel at least 24 hours before the teleconference.

F. BUSINESS RECORDS.

All parties must notify all other parties of any business records they intend to “self-authenticate” pursuant to Federal Rules of Evidence 803(6), 902(11) and 902(12) on or before **August 1, 2022**. A Certificate of Service signifying compliance shall be filed with the Court.

G. DAUBERT MOTIONS.

Since no party intends to designate any expert witnesses to testify in this cause, no deadline for *Daubert* motions is applicable to this matter.

H. **DISPOSITIVE MOTIONS.**

All dispositive motions, except those under FRCP 12(h)(2) or (3), shall be filed on or before **August 8, 2022**. All motions for summary judgment shall comply with Local Rule 56.1.

I. **EXTENSIONS OF TIME.**

1. All motions for extension of time pursuant to FRCP 6(b) or FRCP 31, 33, 34 and 36 must state:

- a. The date when the pleading, response or other action is/was first due;
- b. The number of previous extensions and the date the last extension expires;
- c. The cause for the requested extension, including a statement as to why the action due has not been completed in the allotted time; and
- d. Whether the requested extension is approved or opposed by opposing counsel (agreement by counsel to a requested extension is not binding on the Court).

J. **INITIAL PRETRIAL CONFERENCE.**

An initial pretrial conference in this case will be held on **[to be determined based upon the availability of the Court, however, the parties believe this matter to be ready for a pre-trial conference by the week of August 22, 2022]**. Lead trial counsel shall participate in this conference.

K. **JOINT PRETRIAL MEMORANDUM**

Prior to the initial pretrial conference, counsel for all parties shall meet,

prepare and sign a Memo on Pretrial Conference. The Memo on Pretrial Conference must be filed by 12:00 p.m. (noon) on the date preceding the Pretrial Conference. All parties are responsible for the preparation of the Memo on Pretrial Conference and shall jointly complete this Memo. The Memo on Pretrial Conference should address the following issues:

1. Identification of facts not in dispute to which the parties will stipulate;
2. Identification of disputed issues regarding the sufficiency of foundation for or authenticity of an exhibit;
3. Identification of legal and factual issues to be tried;
4. Identification of evidentiary issues expected to be presented at trial;
5. Estimate length of trial; and
6. The history of mediation efforts relating to the case.

L. MOTIONS IN LIMINE.

The parties shall file all Motions in Limine ten (10) working days prior to the initial pretrial conference. Objections to Motions in Limine shall be filed five (5) working days prior to the initial pretrial conference.

M. WITNESS LIST.

At least ten (10) working days prior to the initial pretrial conference each party shall file a list of witnesses who may be called to testify at trial along with a brief description of the subject matter as to which they will testify, and an estimate of the length of time for direct examination. If a witness is not listed by a party, that

witness will not be permitted to testify absent leave of Court and then only for the purpose of unanticipated rebuttal or unanticipated impeachment. Objection to any witnesses submitted on a witness list shall be filed at least five (5) working days prior to the initial pretrial conference.

N. EXHIBITS.

Pursuant to Local Rule 39.1, at least ten (10) working days prior to the date the pretrial conference is to be held, each party will file a list of all exhibits which may be offered at trial. Except by leave of Court for good cause, no exhibit will be received in evidence which is not listed. Objections to any exhibit submitted on an exhibit list shall be filed at least five (5) working days prior to the initial pretrial conference. **The parties shall additionally prepare and provide to the courtroom deputy, the morning of trial, an Exhibit Index, with said index being prepared on a form provided by the Clerk's Office.** Plaintiff and Defendant shall use numbers, designating who is offering the exhibit (P1 for Plaintiff's Exhibit 1, D1 for Defendant's Exhibit 1, J1 for Joint Exhibits, etc.). Each item, i.e., each photograph, each document, must have its own exhibit number. All exhibits shall be marked by the parties prior to trial. At the time an exhibit is used during trial, the party who first uses the exhibit must provide a copy of the exhibit to the Court.

O. DEPOSITION DESIGNATIONS.

1. At least ten (10) working days before the date the pretrial conference is to be held, each party asserting an affirmative claim or claims for relief (plaintiff,

third-party plaintiff, counterclaiming defendant, cross-claiming defendant, etc.) shall file a designation, by page and line number, of any deposition testimony to be offered in evidence as a part of that party's case.

2. At least five (5) working days prior to the date the pretrial conference is to be held, each party defending against an affirmative claim for relief shall file:

a. Any objections to proposed deposition testimony designated by any other party;

b. A designation, by page and line number, of any deposition testimony to be offered as cross-examination to deposition testimony designated by other parties; and

c. A designation, by page and line number, of any deposition testimony to be offered in evidence as part of that party's case-in-chief in connection with such defense.

3. At least three (3) working days before the date of the pretrial conference, each party asserting an affirmative claim or claims for relief shall file:

a. Any objections to proposed deposition testimony designated by any other party; and

b. A designation, by page and line number, of any deposition testimony to be offered as cross-examination to deposition testimony designated by other parties.

4. The parties shall meet, discuss and in good faith attempt to resolve all objections to designated deposition testimony prior to the pretrial conference.

P. **TRIAL SETTING.**

This case is scheduled for a one-day bench trial, commencing at 9:00am on [such date as to be determined by the Court, however, the parties believe this matter to be ready for trial by the week of November 7, 2022]. A final pretrial conference is scheduled for 8:30 a.m. immediately preceding trial.

Respectfully submitted,

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